



FAIR WORK
AUSTRALIA

9 March 2010

Andrew Kay
President
Australian Entertainment Industry Association
Level 1, 15-17 Queen Street
Melbourne VIC 3000
By email: info@liveperformance.com.au

Dear Mr Kay

**Re: Annual Return of the Australian Entertainment Industry Association for 2010
(E2010/2654)**

I acknowledge receipt of your amended declaration dated 25 February 2010 providing information in accordance with s233 (1) of the *Fair Work (Registered Organisations) Act 2009*. The document was lodged with Fair Work Australia on 9 March 2009.

The document lodged covers the required information for the 2010 Annual Return of the organisation. The document has been filed.

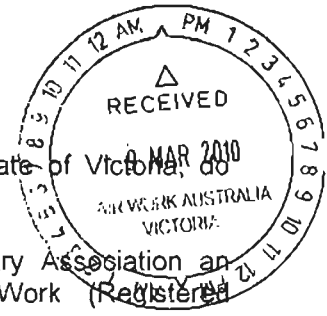
If you have any queries I can be contacted on 03 86617929 or via email on eve.anderson@fwa.gov.au.

Yours sincerely

Eve Anderson
Tribunal Services and Organisations
Fair Work Australia
Tel: 03 86617929

Email: eve.anderson@fwa.gov.au

DECLARATION



I, **ANDREW KAY**, of [REDACTED], in the State of Victoria, do solemnly and sincerely declare:

1. I am the President of the Australian Entertainment Industry Association an organisation of employers registered under the Fair Work (Registered Organisations) Act 2009.
2. A register of members has, during the calendar year 2009 been kept and maintained in accordance with the requirements of s.230(1) (a) and s.230(2) of Chapter 8, Part 2 of the Fair Work (Registered Organisations) Act 2009. As at 31st December 2009 the Association had 302 members. In accordance with Section 233(1)(b) a copy of the records required to be kept under paragraphs 230(1)(b), (c) and (d) have been certified by declaration by the secretary or other prescribed officer of the organization to be a correct statement of the information contained in those records.

I also certify that the information as set out in points 3 to 7 below is a correct statement of the information contained in the records of the AEIA.

3. In accordance with the AEIA rule 11(d), the Executive Council shall be elected for a term of two years. An election was conducted by the Australian Electoral Commission between 17 – 30 November 2009 and the results announced at the Annual General Meeting on 4th December 2009.

There will be no elections required to be held in 2010.

4. The list of offices in the Association for which nominations will be called or may be made are as follows:

- President (1)
- Vice Presidents (2)
- Members of Executive (not less than three nor more than 15)

5. The names, postal addresses and occupations of the persons holding offices in the Association for the period commencing 4 December 2009 are as follows:

OFFICER	ADDRESS	OCCUPATION
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President

Mr A Kay	Andrew Kay & Associates Level 2, 157 Toorak Road South Yarra, VIC 3141	Director
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Vice Presidents

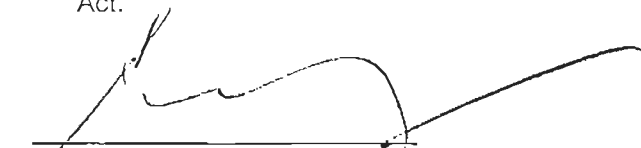
Ms A Tonks	Melbourne Theatre Company 252 Sturt Street Southbank VIC 3006	General Manager
Ms S Hunt	CarriageWorks P O Box 914 Newtown, NSW 2042	Chief Executive Officer

Executive Councillors

Mr T Brookman	Arts Asia Pacific Pty Ltd 420 Mount Barker Road Bridgewater SA 5155	Managing Director
Mr B Carmichael	Canberra Theatre Centre Civic Square London Circuit Canberra ACT 2608	Director
Mr A Collette	Opera Australia PO Box 291 Strawberry Hills NSW 2012	Chief Executive
Mr M Coppel	Michael Coppel Ventures 716-718 High Street Armadale VIC 3143	Company Director
Ms P Foulkes	State Theatre Company of SA PO Box 8252, Station Arcade Adelaide SA 5000	Chief Executive Officer
Mr D Gautier	Adelaide Festival Centre PO Box 1269 Adelaide SA 5001	Chief Executive Officer
Ms R Healy	Sydney Opera House GPO Box 4274 Sydney NSW 2001	Director, Performing Arts
Mr G Jones	Ticketek Pty Ltd Level 19, 66-68 Goulburn Street Sydney NSW 2000	Chief Executive Officer
Mr J Kotzas	Queensland Performing Arts Centre PO Box 3567 South Brisbane Qld 4101	Artistic Director

Mr M Lazarus-Hall	Michael Chugg Entertainment Level 1, 490 Crown Street Surry Hills NSW 2010	Managing Director
Ms L McLean	Tinderbox Level 2, 157 Toorak Road, South Yarra Vic 3141	Director
Mr A Moon	Victorian Arts Centre Trust PO Box 7585 Melbourne Vic 8004	Executive
Ms M O'Connor	Ticketmaster Pty Ltd Level 12, Freshwater Place 2 Southbank Blvd Southbank VIC 3006	Managing Director & Chief Executive Officer
Mr R Phillips	AEG Ogden (Perth) Pty Ltd PO Box 7118, Cloisters Square Perth WA 6850	Chief Executive Officer
Mr R Rigby	Newtheatricals Holdings Pty Ltd Suite 201, 127 York Street Sydney NSW 2000	Managing Director

6. There are no branches or other divisions of the Association.
7. The Registered Office of the Association is at Level 1, 15 – 17 Queen Street, Melbourne 3000 in the State of Victoria.
8. The documents filed herewith are copies of the Financial Statements for the year ended 30 June 2009 which were presented to the Annual General Meeting of Members held on 4th December 2009 in accordance with the provisions of the Act.



 Andrew Kay
 President

Signed at Melbourne this 25th day of February 2010.



FAIR WORK
AUSTRALIA

7 January 2010

Andrew Kay
President
Australian Entertainment Industry Association
Level 1, 15-17 Queen Street
Melbourne VIC 3000
By email: aeia@aeia.org.au

Dear Mr Kay

Re: Annual Return of the Australian Entertainment Industry Association for 2010

I acknowledge receipt of your declarations dated 4 December 2009 providing information in accordance with s233 (1) of the *Fair Work (Registered Organisations Act) 2009* (the annual return). I also acknowledge receipt of the financial report of the Australian Entertainment Industry Association for the year ended 30 June 2009. The documents were lodged with Fair Work Australia on 14 December 2009.

This correspondence deals only with the annual return. Separate correspondence has been sent regarding the financial report.

Although the declarations lodged covers most of the required information for the 2010 Annual Return of the AEIA, a number of matters need to be corrected.

1. Timing of lodgment of the Annual Return

Regulation 149 of the *Fair Work (Registered Organisations) Regulations 2009* (the regulations) prescribes that the required declarations and information are to be lodged any time during the period of 3 months beginning on 1 January. This means the annual return for 2010 can be re-lodged anytime between now and the 31 March 2010, but was not able to be lodged prior to 1 January.

2. Number of members as at 31 December 2009

One problem with lodging the declarations and information prior to 1 January is that a declaration regarding the number of members on 31 December in the previous year cannot be made. I note that the Annual Return lodged declares the number of members as at 4 December 2009. However regulation 147(f) requires a declaration regarding the number of members as at 31 December 2009.

3. Elections required to be held in 2010

Points 3 and 4 in the Annual Return lodged refer to elections in 2009. However, the declaration required under regulation 147(e) is prospective, in other words information regarding each election for office to be held in 2010 is to be provided. If no elections are required to be held in 2010, then a declaration that 'no elections are required to be held needs to be lodged.

4. Certification that the information provided is correct

Subsection 233(2) of the *Fair Work (Registered Organisations) Act 2009* requires that a copy of certain records must be lodged with FWA. The subsection also requires that the copies lodged are to be certified by declaration that they are a correct statement of the information contained in the records of the AEIA. Point 2 in the Annual Return lodged states '...a copy of the records have been certified by declaration by the secretary or other prescribed officer of the organization to be a correct statement of the information contained in those records.' This does not appear to meet the requirements of subsection 233(2). Instead of stating that a declaration has been made, a declaration needs to be made and the declaration needs to identify the information that it is declaring to be correct. It is my recommendation that the last sentence in point 2 be replaced with the following set of words:

I also certify that the information as set out in points 3 to 7 below is a correct statement of the information contained in the records of the AEIA.

Summary

Accordingly, in order to secure compliance with your obligations under the RO Act, I require you to:

- Re-lodge the 2010 Annual Return. This should be re-lodge on or before 31 March 2010;
- The Return needs to contain a declaration regarding the number of members on 31 December 2009;
- The Return needs to contain a declaration regarding elections for office required to be held in 2010;
- The Return needs to make a declaration certifying that information set out is a correct statement of the information contained in the records of the AEIA.

Should you wish to discuss the matters raised in this letter, or if you require further information on the annual return requirements of the Act, I may be contacted on 03 86617929 or by email at eve.anderson@fwa.gov.au.

Yours sincerely



Eve Anderson
Tribunal Services and Organisations
Fair Work Australia
Tel: 03 86617929

Email: eve.anderson@fwa.gov.au

4TH December 2009

Industrial Registrar
Fair Work Australia
Level 35
Nauru House
80 Collins Street
MELBOURNE VIC 3000



Annual Return - Secretary's Certificate

Dear Sir/Madam,

I, Andrew Kay, President of the Australian Entertainment Industry Association, certify that the documents so lodged are copies of the auditors' report, accounts and statement which were presented at the Annual General Meeting on 4th December 2009. This information was sent to members on 11th November 2009.

Yours faithfully,



Andrew Kay
President

DECLARATION

I, **ANDREW KAY**, of [REDACTED], in the State of Victoria, do solemnly and sincerely declare:

1. I am the President of the Australian Entertainment Industry Association an organisation of employers registered under the Fair Work (Registered Organisations) Act 2009.
2. A register of members has, during the calendar year 2009 been kept and maintained in accordance with the requirements of s.230(1) (a) and s.230(2) of Chapter 8, Part 2 of the Fair Work (Registered Organisations) Act 2009. As at 4th December 2009 the Association had 306 members. In accordance with Section 233(1)(b) a copy of the records required to be kept under paragraphs 230(1)(b), (c) and (d) have been certified by declaration by the secretary or other prescribed officer of the organization to be a correct statement of the information contained in those records.
3. In accordance with the AEIA rule 11(d), the Executive Council shall be elected for a term of two years. An election was conducted by the Australian Electoral Commission between 17 – 30 November 2009 and the results announced at the Annual General Meeting on 4th December 2009.
4. The list of offices in the Association for which nominations will be called or may be made are as follows:

President (1)
Vice Presidents (2)
Members of Executive (not less than three nor more than 15)

5. The names, postal addresses and occupations of the persons holding offices in the Association for the period commencing 4 December 2009 are as follows:

OFFICER	ADDRESS	OCCUPATION
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President

Mr A Kay	Andrew Kay & Associates Level 2, 157 Toorak Road South Yarra, VIC 3141	Director
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Vice Presidents

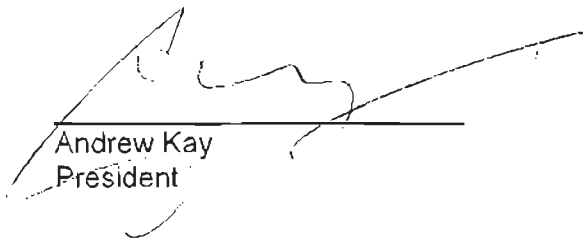
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Councillors

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Ms M O'Connor	Ticketmaster Pty Ltd Level 12, Freshwater Place 2 Southbank Blvd Southbank VIC 3006	Managing Director & Chief Executive Officer
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6. There are no branches or other divisions of the Association.
7. The Registered Office of the Association is at Level 1, 15 – 17 Queen Street, Melbourne 3000 in the State of Victoria.
8. The documents filed herewith are copies of the Financial Statements for the year ended 30 June 2009 which were presented to the Annual General Meeting of Members held on 4th December 2009 in accordance with the provisions of the Act.



Andrew Kay
President

Signed at Sydney this 4th day of December 2009.